

NOTICE OF PREPARATION

To: State Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: Viejas Enterprises
5000 Willows Road
Alpine, CA 91903

To: County of San Diego
Clerk of the Board of Supervisors
1600 Pacific Highway, Room 402
San Diego, CA 92101

Subject: **Notice of Preparation of a Draft Tribal Environmental Impact Report**

The Viejas Band of Kumeyaay Indians is preparing a Draft Tribal Environmental Impact Report (TEIR) for the project identified below. The TEIR is a requirement of Viejas' Gaming Compact and will identify Off-reservation, gaming-related, significant, environmental effects. We need to know your views as to the scope and content of the off-Reservation environmental information that is germane to your agency's statutory responsibilities in connection with the proposed project. Interested persons are requested to identify the off-Reservation environmental issues and reasonable mitigation measures that the Tribe should explore in the Draft TEIR.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of a Tribal Initial Study is attached.

Due to the time limits mandated by the Compact, your response must be sent at the earliest possible date, but no later than 30 days after receipt of this notice.

Please send your response to Mr. Bob Scannell at the address shown above. We will need the name of a contact person in your agency.

Project Title: Viejas Parking Structure Project

Date: April 6, 2012

Signature 

Title CFO, G.M.

Telephone (619) 659-2554

OFF-RESERVATION ENVIRONMENTAL IMPACT ANALYSIS
CHECKLIST AND DISCUSSION

1. Lead agency name and address:
Viejas Band of Kumeyaay Indians
Viejas Enterprises
5000 Willows Road
Alpine, CA 91903
2. a. Contact: Mr. Bob Scannell
b. Phone number: (619) 659-1931
3. Project location:
5000 Willows Road in the San Diego County Community of Alpine.
Thomas Brothers Coordinates: Page 1234, Grid J/5
4. Project sponsor's name and address:
Viejas Enterprises
5000 Willows Road
Alpine, CA 91903
5. Tribal Plan Designation
Land Use Designation: Commercial
6. Description of project (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation):

The project is an approximately 900 -parking space, 6-story parking garage, adjacent to the existing Viejas Casino. The expansion will occur on a currently developed and paved area north of the casino. This area is currently used for surface parking primarily for Viejas vehicles.

The Casino currently offers approximately 133,000 square feet of gaming area in a 325,000 square foot casino. Current gaming offerings include 2,000 slot machines, 86 gaming tables, a 150-seat off-track betting facility, a 750 seat bingo pavilion, a special events venue, and five restaurants. The existing bingo pavilion will be removed, as described in the Viejas Hotel TEIR, and a new hotel built on that site. Bingo will be relocated within the existing Casino. No new gaming space will result from construction and operation of the proposed garage.

No new infrastructure will be required for the parking garage, or is proposed.

7. Surrounding land uses and setting (Briefly describe the project's surroundings):

The project area is located north of Willows Road and south of Viejas Creek. It is extensively developed with commercial uses. The Viejas Outlet Center is located south of Willows Road. Interstate 8 (I-8) lies to the south of the Outlet Center, with residential

areas of the community of Alpine south of I-8. Residential areas also are found along Willows Road both to the east and west of the Viejas Indian Reservation.

Viejas Creek is a restored perennial stream that provides native riparian habitat. North of Viejas Creek is the Tribal residential area and land used for cattle grazing. Coast live oak trees are common throughout this area. North, east, and west of the Reservation is the Cleveland National Forest. There are residential in-holdings between the Reservation and the Forest.

I-8 and Willows Road (with two interchanges to I-8) provide access to the site.

8. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

There are no other public agencies with approval authority over the project.

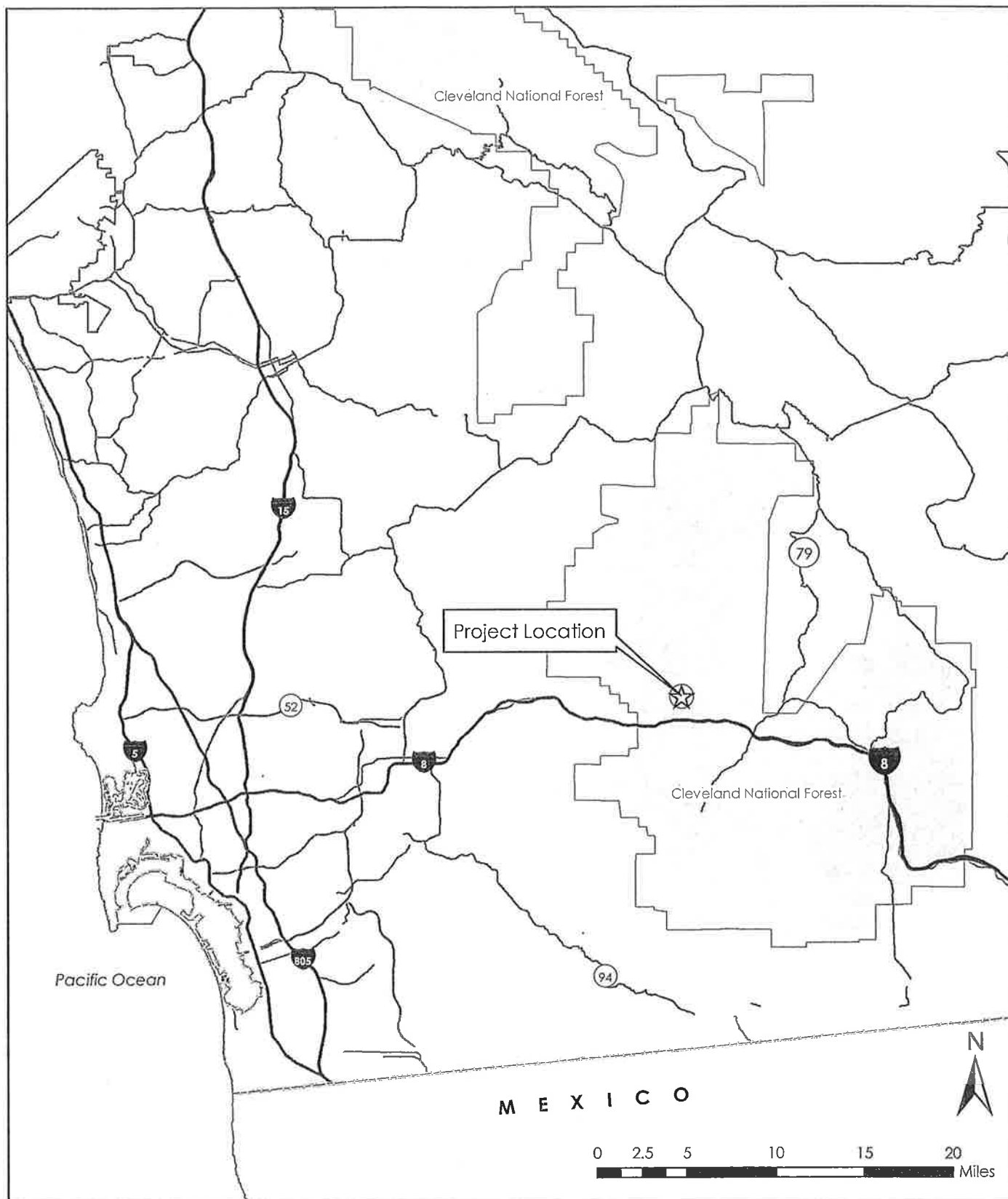
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist and on the following discussion pages.

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> <u>Aesthetics</u> | <input type="checkbox"/> <u>Agriculture Resources</u> | <input checked="" type="checkbox"/> <u>Air Quality</u> |
| <input type="checkbox"/> <u>Biological Resources</u> | <input type="checkbox"/> <u>Cultural Resources</u> | <input type="checkbox"/> <u>Geology & Soils</u> |
| <input type="checkbox"/> <u>Hazards & Haz. Materials</u> | <input type="checkbox"/> <u>Hydrology & Water Quality</u> | <input type="checkbox"/> <u>Land Use & Planning</u> |
| <input type="checkbox"/> <u>Mineral Resources</u> | <input checked="" type="checkbox"/> <u>Noise</u> | <input type="checkbox"/> <u>Population & Housing</u> |
| <input type="checkbox"/> <u>Public Services</u> | <input type="checkbox"/> <u>Recreation</u> | <input type="checkbox"/> <u>Transportation/Traffic</u> |
| <input type="checkbox"/> <u>Utilities & Service Systems</u> | <input checked="" type="checkbox"/> <u>Cumulative Impacts</u> | |

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

- ☒ In order to fulfill the Tribe's Class III Gaming Compact with the State of California, a TRIBAL ENVIRONMENTAL IMPACT REPORT is required.

Signature <u>Christopher J. Kelly</u>	Date <u>4/10/12</u>
Printed Name <u>Christopher J. Kelly</u>	Title <u>CFO, DM</u>



SOURCE: SanGIS and BRG Consulting, Inc., 2012

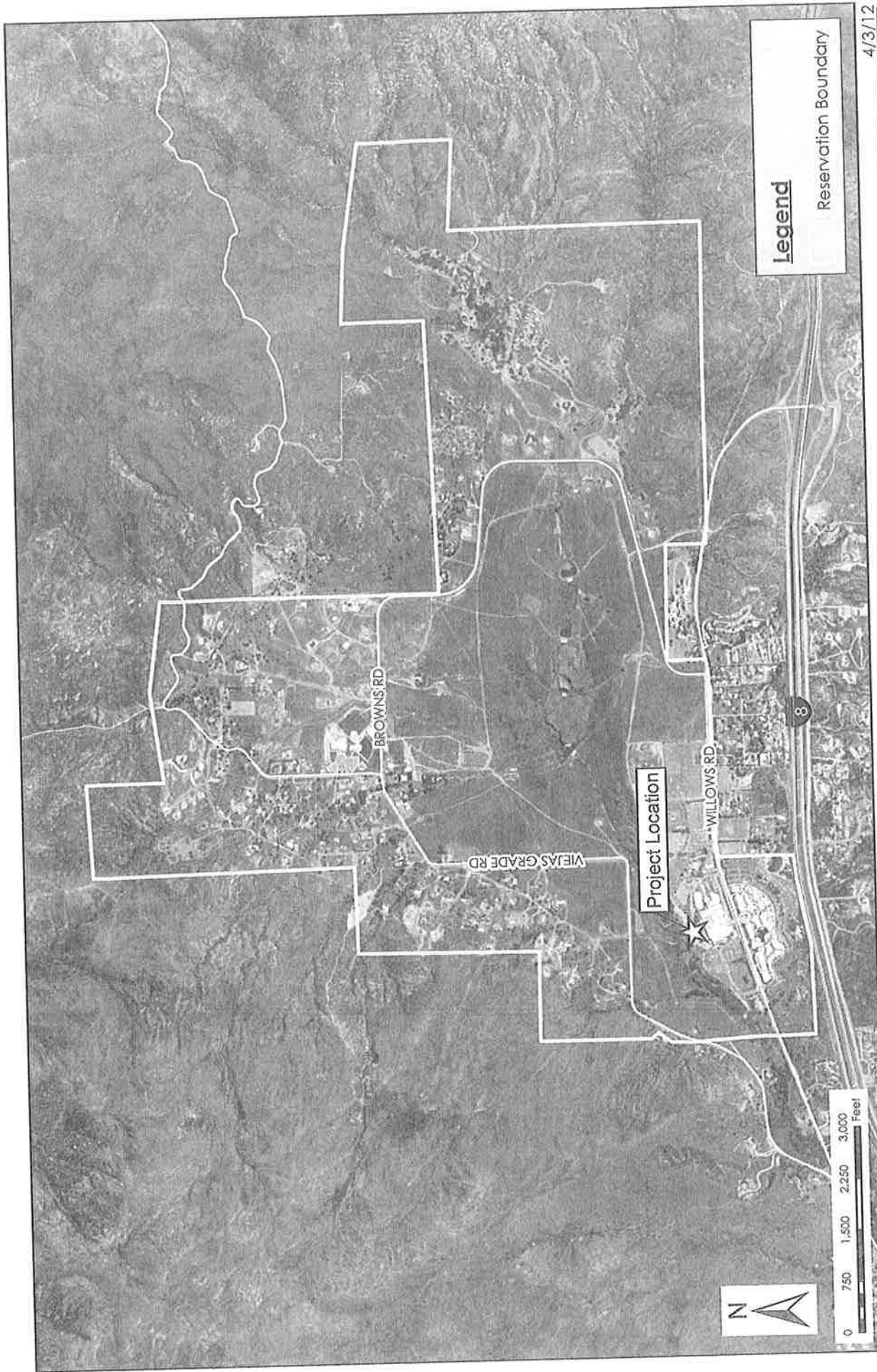
4/3/12



Viejas Parking Structure TEIR

Regional Vicinity Map

FIGURE
1



4/3/12

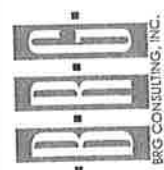
SOURCE: Bing Maps Aerial, 2012; BRG Consulting, Inc., 2012

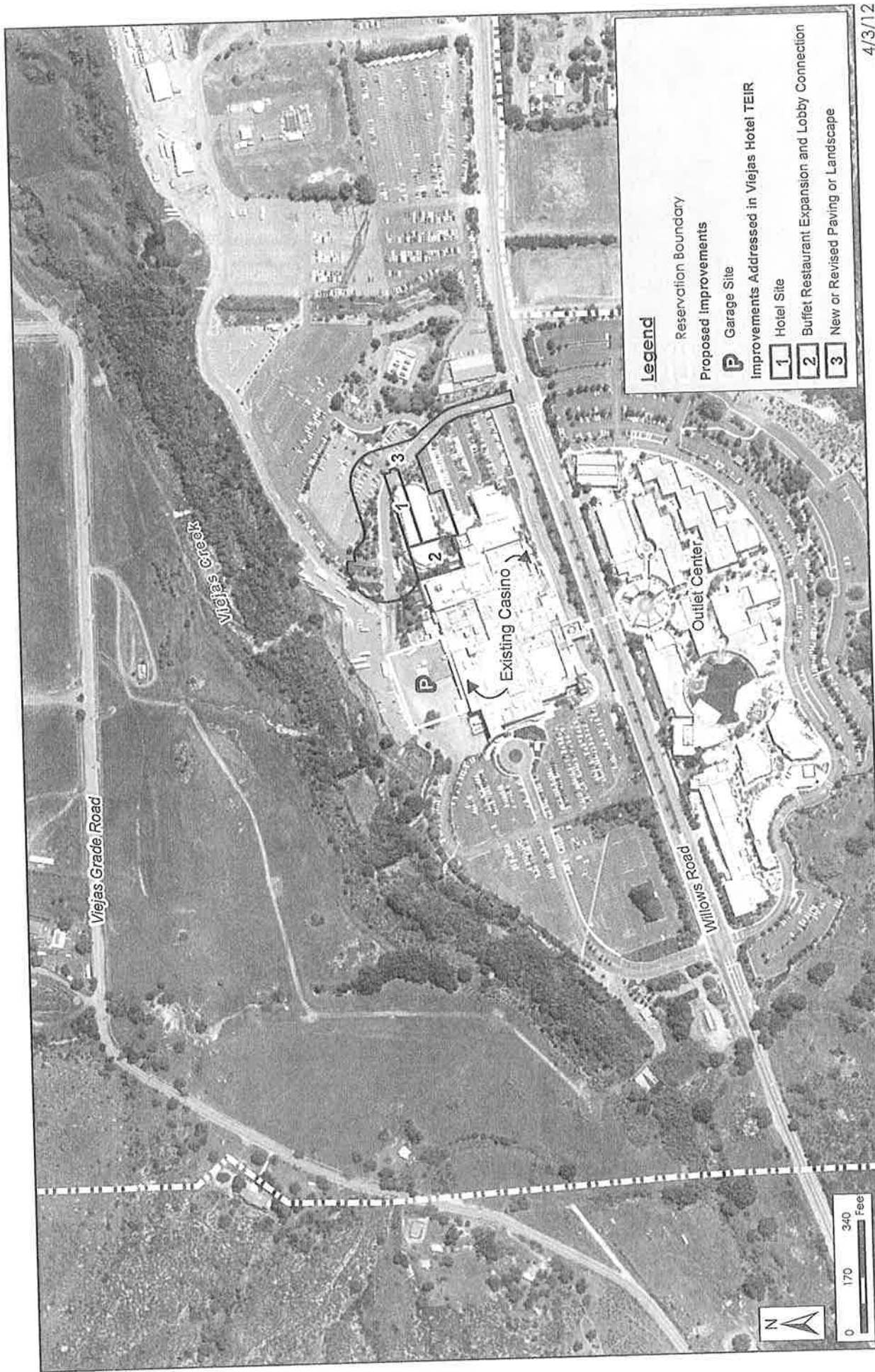
Viejas Parking Structure TEIR

FIGURE

2

Project Location Inside the Viejas Indian Reservation





4/3/12

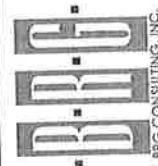
SOURCE: Bing Maps Aerial, 2012; BRG Consulting, Inc., 2012; Viejas Enterprises, 2012

FIGURE

3

Viejas Parking Structure TEIR

Proposed Garage Site



INSTRUCTIONS ON EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant.
4. "Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

- ☒ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Potentially Significant Impact: Scenic vistas are singular vantage points that offer unobstructed views of valued viewsheds, including areas designated as official scenic vistas along major highways or County designated visual resources. The proposed project will be 6 stories in height, and may be visible from Interstate-8 or a scenic vista. Therefore, it is possible that the proposed project could result in a substantial adverse effect on a designated scenic vista. Whether there are any such vistas off-Reservation in the vicinity of the project will be addressed during TEIR preparation.

b) Substantially damage off-Reservation scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: State scenic highways refer to those highways that are officially designated. A scenic highway is officially designated as a State scenic highway when the local jurisdiction adopts a scenic corridor protection program, applies to the California Department of Transportation for scenic highway approval, and receives notification from Caltrans that the highway has been designated as an official Scenic Highway. There are no State Scenic Highways with views to the project area. Although nearby I-8 is eligible for scenic designation, the applicable local jurisdiction, the County of San Diego, has not adopted a scenic corridor protection program for it, and has not applied to Caltrans for designation. Therefore, the proposed project would not have any substantial adverse effect on a scenic resource within a State Scenic highway.

c) Create a new source of substantial light or glare, which would adversely affect day or nighttime views of historic buildings or views in the area?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The garage project does not propose any new use of outdoor lighting or building materials with highly reflective properties such as highly reflective glass or high-gloss surface colors. Therefore, it is not anticipated that the project would create new sources of light pollution that could contribute to skyglow, light trespass or glare that would adversely affect day or nighttime views in area.

The project would not contribute to significant cumulative impacts on nighttime views because the proposed project will conform to the San Diego County Light Pollution Code. The project site is over 15 miles from the observatories at Palomar Mountain and Mount Laguna.

In addition, the project's outdoor lighting is controlled by the Tribal Government, which limits outdoor lighting through strict controls. Therefore, conformance with the Code, in combination with the outdoor lighting controls listed above ensures that the project will not create a significant new source of substantial light or glare.

There are no designated historic buildings in proximity to the proposed garage site.

II. AGRICULTURE RESOURCES -- Would the project:

- a) Involve changes in the existing environment, which, due to their location or nature, could result in conversion of off-Reservation farmland to non-agricultural use?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project site is located north of, and adjacent to, the existing Viejas Casino. The proposed expansion would not trigger any additional development that may result in conversion of farmland, to non-agricultural use.

III. AIR QUALITY -- Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less than Significant Impact: Operation of the project will not result in emissions of noticeable quantities of criteria pollutants listed in the California Ambient Air Quality Standards or toxic air contaminants as identified by the California Air Resources Board. The garage is not a trip-attractor, but is ancillary to the Casino and outlet center. The vehicles to be parked at the proposed parking garage would belong to persons who had already driven their vehicles to the Casino or Outlet Center. It is anticipated that there would be no new trips to the parking garage. Therefore, the project operation would not conflict with or obstruct implementation of the RAQS nor the SIP on a project or cumulative level. Minor construction-related air emissions would occur.

- b) Violate any air quality standard or contribute to an existing or projected air quality violation?

☐ Potentially Significant Impact

☒ Less than Significant Impact

☐ Potentially Significant Unless Mitigation Incorporated

☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Air quality impacts from the proposed parking garage would be the result of short-term construction activities associated with such projects. The project proposes a new approximately 900-space parking garage adjacent to the existing Casino. The site is already graded and paved. It is expected that emissions from the construction phase would be minimal and localized, resulting in pollutant emissions below the screening-level criteria established by SDAPCD Rule 20.2 and by the South Coast Air Quality Management District (SCAQMD) CEQA Air Quality Handbook section 6.2 and 6.3. However, anticipated construction emissions will be addressed in the TEIR. There would be no new vehicle trips generated during garage operation. The garage is not a trip-attractor, and would serve only to provide an alternative to surface parking for the existing Casino patrons.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

☐ Potentially Significant Impact

☒ Less than Significant Impact

☐ Potentially Significant Unless Mitigation Incorporated

☐ No Impact

Discussion/Explanation:

Less than Significant Impact: San Diego County is presently in non-attainment for the 1-hour concentrations under the California Ambient Air Quality Standard (CAAQS) for Ozone (O₃). San Diego County is also presently in non-attainment for the annual

geometric mean and for the 24-hour concentrations of Particulate Matter less than or equal to 10 microns (PM₁₀) under the CAAQS. O₃ is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_x) react in the presence of sunlight. VOC sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage; and pesticides. Sources of PM₁₀ in both urban and rural areas include: motor vehicles, wood burning stoves and fireplaces, dust from construction, landfills, agriculture, wildfires, brush/waste burning, and industrial sources of windblown dust from open lands.

Together, the Casino, Hotel, Outlet Center and other cumulative projects are calculated to generate approximately 17,610 ADT in the vicinity of the project (LLG Traffic Analysis, December 2005, plus projected hotel trip generation). It is not likely that construction of the proposed garage would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). However, potential air quality impacts may be cumulatively significant, and will be addressed in technical studies as part of the TEIR.

- d) Expose off-Reservation sensitive receptors to substantial pollutant concentrations?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: Air quality regulators typically define sensitive receptors as schools (Preschool-12th Grade), hospitals, resident care facilities, or day-care centers, or other facilities that may house individuals with health conditions that would be adversely impacted by changes in air quality. Sensitive receptors have not been identified within a quarter-mile (the radius determined by the SCAQMD in which the dilution of pollutants is typically significant) of the proposed project. Furthermore, no point-source emissions of air pollutants (other than vehicle emissions) are associated with the project. As such, the project will not expose sensitive populations to excessive levels of air pollutants.

- e) Create objectionable odors affecting a substantial number of people off-Reservation?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: No potential sources of objectionable odors have been identified in association with the proposed parking garage project. As such, no impact from odors is anticipated.

IV. BIOLOGICAL RESOURCES -- Would the project:

- a) Have a substantial adverse impact, either directly or through habitat modifications, on any species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The project site is graded, and paved or landscaped. Therefore, no species identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service would be expected to occur on-site. Assessment of off-reservation potential indirect noise impacts would be done outside the Reservation boundaries, or approximately 1,460 feet west of the proposed garage location. No significant garage construction noise impact to those biological resources is anticipated as a result of noise diminution with increasing distance, but the issue will be addressed in the noise technical report, and in the TEIR. No operational noise impacts to biological resources off the Reservation are expected from the garage due to low noise generation associated with cars driving and parking at low speeds.

- b) Have a substantial adverse effect on any off-Reservation riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The proposed project site is limited to Reservation property and is not adjacent to any off-Reservation riparian habitats or other sensitive natural communities as defined by the County of San Diego Multiple Species Conservation Program, County of San Diego Resource Protection Ordinance, Natural Community Conservation Plan, Fish and Game Code, Endangered Species Act, Clean Water Act, or any other local or regional plans, policies or regulations. The project site is graded, and paved or

landscaped, and most of it is currently used for surface parking. See the response to Item IV.a related to potential indirect noise impacts.

- c) Have a substantial adverse effect on federally protected off-Reservation wetlands as defined by Section 404 of the Clean Water Act?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project site is limited to Reservation property and is not near any off-Reservation wetlands as defined by Section 404 of the Clean Water Act. There will be no hydrologic interruption, diversion, or obstruction of Viejas Creek proposed. Viejas Creek is separated from the proposed garage site by a four-foot high earthen berm. Therefore, no impacts will occur to off-Reservation wetlands defined by Section 404 of the Clean Water Act over which the Army Corps of Engineers maintains jurisdiction.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The site has been completely disturbed and contains no native vegetation or habitats. Therefore, impedance of the movement of any native resident or migratory fish or wildlife species, or established native resident or migratory wildlife corridors, or impedance of the use of native wildlife nursery sites would not be expected as a result of the proposed project. Also see the response to Item IV.a.

- e) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The Tribe is not a party to any adopted Habitat Conservation Plan or Natural Communities Conservation Plan, nor is the Tribe subject to other approved local, regional or state habitat conservation plan or any other local policies or ordinances that protect biological resources. Lands that fall under such plans occur off-Reservation and would not be affected by the proposed project.

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of an off-Reservation historical or archaeological resource?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project will not impact any off-Reservation historical or archaeological resources, because there would be no ground or structure disturbance off-Reservation.

- b) Directly or indirectly destroy a unique off-Reservation paleontological resource or site or unique off-Reservation geologic feature?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project will not destroy either a unique off-Reservation paleontological resource or site or unique off-Reservation geologic feature, because there will be no ground disturbance off-Reservation.

- c) Disturb any off-Reservation human remains, including those interred outside of formal cemeteries?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The project will not disturb any off-Reservation human remains, including those interred outside of formal cemeteries, because there will be no ground disturbance off-Reservation.

VI. GEOLOGY AND SOILS -- Would the project:

- a) Expose off-Reservation people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project is not located in a fault rupture hazard zone identified by the Alquist-Priolo Earthquake Fault Zoning Act, Special Publication 42, Revised 1997, Fault-Rupture Hazards Zones in California. Therefore, off-Reservation people or structures could not be exposed to any project-related effects from rupture of a known earthquake fault.

- ii. Strong seismic ground shaking?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: Viejas has adopted the Uniform Building Code (UBC) for Casino-related development in accordance with provisions of the 2004 State-Tribal Compact. The UBC classifies all San Diego County with the highest seismic zone criteria, Zone 4. However, the project is not located within 5 kilometers of the centerline of a known active-fault zone as defined within the Uniform Building Code's Maps of Known Active Fault Near-Source Zones in California. The project site is 17 miles southeast of the Elsinore Fault, the nearest known active fault. The project will conform to the Seismic Requirements of the UBC. Therefore, there would be no impact at the project site from the exposure of people or structures to potential adverse effects from strong seismic ground shaking as a result of this project, and no potential off-Reservation impacts.

- iii. Seismic-related ground failure, including liquefaction?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: A geotechnical report for the prior Casino expansion project concluded that the potential for seismic-related ground failure, including liquefaction, is low. There would be no seismic-related impacts off-Reservation.

iv. Landslides?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The site is not located within a landslide susceptibility zone and thus there would be no off-Reservation landslide impact.

b) Result in substantial off-Reservation soil erosion or the loss of topsoil?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project would not create any new impermeable surfaces. There would be no impact because the project does not involve any off-Reservation ground disturbance, or any changes to off-Reservation drainage patterns or velocities.

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the off-Reservation public or the off-Reservation environment through the routine transport, use, or disposal of hazardous materials?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes a new parking garage adjacent to the existing Casino. Building construction and on-going activities needed to run and maintain the garage involve the routine transport, use, and disposal of hazardous materials. These materials are typical of material used safely on a daily basis throughout the County and State of California in households and commercial uses. The

project will not result in a significant hazard to the off-Reservation public or off-Reservation environment because all transport, use, and disposal of hazardous substances will be in full compliance with the requirements of the Class III Gaming Compact and with the State of California and federal regulations.

- b) Create a significant hazard to the off-Reservation public or the off-Reservation environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: See VII a), above. Materials transported, used and disposed of associated with the proposed project would be in such small quantities that any upset condition, such as a traffic accident involving a vehicle transporting such materials, would result in a minor spill requiring reporting and clean up in accordance with all applicable regulations. Such events happen routinely throughout San Diego County and the State of California, with no significant effect. Impacts would be less than significant.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed off-Reservation school?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact:

The project is not located within one-quarter mile of any existing or proposed school. Therefore, the project would not have any effect on an existing or proposed school.

- d) Expose off-Reservation people or structures to a significant risk of loss, injury or death involving wildland fires?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The proposed project is completely surrounded by developed areas, including the Casino, paved parking lots, irrigated landscape and streets. The Viejas

Fire Department oversees wildland fire risk for the Casino and within the Reservation. There would be no off-Reservation impact.

VIII. WATER RESOURCES -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

☐ Potentially Significant Impact

☒ Less than Significant Impact

☐ Potentially Significant Unless Mitigation Incorporated

☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project proposes a new parking garage adjacent to the existing Casino. The existing casino, proposed hotel, other commercial uses, residential and other uses on the Reservation rely on wastewater treatment at the Viejas water reclamation plant. This facility is permitted and monitored by the US Environmental Protection Agency for compliance with applicable sections of the Clean Water Act. The garage would not increase wastewater treatment demands at the existing water reclamation plant.

The project will implement site design measures and/or source control BMP's and/or treatment control BMP's to reduce potential construction pollutants to the maximum extent practicable from entering storm water runoff that could leave the Reservation. The project site is already developed, paved or landscaped; therefore, no additional runoff or changes in the character of the existing runoff is anticipated. In addition, the project site is separated from the nearby Viejas Creek riparian area by a four-foot high earthen berm.

The project's BMPs and existing earthen berm will ensure that the project will not contribute to a cumulatively considerable impact to water quality from waste discharges.

b) Substantially deplete off-Reservation groundwater supplies or interfere substantially with groundwater recharge such that there should be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

☐ Potentially Significant Impact

☐ Less than Significant Impact

☐ Potentially Significant Unless Mitigation Incorporated

☒ No Impact

Discussion/Explanation:

No Impact: The parking garage would not increase water demand on the reservation; therefore, the garage would not deplete off-Reservation ground water supplies. The existing site for the proposed parking garage is paved, so that there would be no change in ground water recharge at the site.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation off-site.

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project does not involve construction of new or expanded development that could alter the drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site. The project site is completely graded, and or landscaped, and the proposed parking garage would not alter the existing natural topography, vegetation, or drainage courses on-site or off-Reservation.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding off-site?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project does not involve construction of new or expanded development that could alter the drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. The project site is completely graded, paved or landscaped, and the proposed project would not alter the existing natural topography, vegetation, or drainage courses on-site or off-Reservation.

- e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff off-Reservation?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The project will not introduce any new impervious surfaces since the project site is currently graded, paved or landscaped.. Construction BMPs will limit runoff of any construction-related stormwater pollution.

- f) Place within a 100-year flood hazard area structures, which would impede or redirect off-Reservation flood flows?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: No 100-year flood hazard areas were identified or are expected to occur on the project site. The 100-year flood hazard area is totally contained within Viejas Creek, which is outside of the proposed project's footprint; therefore, no impact will occur.

- g) Expose off-Reservation people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project does not include any dam or levee or source of potential floodwaters. Therefore, the project will not expose people to a significant risk of loss, injury or death involving flooding.

IX. LAND USE AND PLANNING -- Would the project:

- a) Conflict with any off-Reservation land use plan, policy, or regulation of an agency adopted for the purpose of avoiding or mitigating an environmental effect?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: As demonstrated elsewhere in the Initial Study Checklist, the project would not result in any significant land-use related effect.

- b) Conflict with any habitat conservation plan, or natural communities conservation plan covering off-Reservation lands?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The Tribe is not a party to any habitat conservation plan, or natural communities conservation plan covering off-Reservation lands. Lands that fall under such plans occur off-Reservation and would not be affected by the proposed project. There would be no impact.

X. MINERAL RESOURCES -- Would the project:

- a) Result in the loss of availability of a known off-Reservation mineral resource classified MRZ-2 by the State Geologist that would be of value to the region and the residents of the state?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project would not affect any off-Reservation land. There would be no impact to mineral resources off the Reservation.

- b) Result in the loss of availability of an off-Reservation locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project would not affect any off-Reservation land. Thus, there would be no impact.

XI. NOISE -- Would the project result in:

- a) Exposure of off-Reservation persons to noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- ☒ Potentially Significant Impact
- ☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
- ☐ No Impact

Discussion/Explanation:

Potentially Significant Impact: The project site is far enough away from existing off-Reservation uses that noise levels associated with construction or operation of the new parking garage would not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego General Plan, County of San Diego Noise Ordinance, and other applicable standards for the following reasons:

General Plan – Noise Element

The County of San Diego General Plan, Noise Element, Policy 4b addresses noise sensitive areas and requires an acoustical study to be prepared for any use that may expose noise sensitive areas to noise in excess of a Community Noise Equivalent Level (CNEL) of 60 decibels (dBA). Noise sensitive areas include residences, hospitals, schools, libraries or similar facilities where quiet is an important attribute. Residences are the only noise sensitive uses near the project area. Project implementation is not expected to expose existing or planned noise sensitive areas to project-related noise in excess of the CNEL 60 dB(A) because of the distance of the project site and existing parking lots to such off-reservation uses. Therefore, it is expected that the project will not expose people to potentially significant noise levels that exceed the allowable limits of the County of San Diego General Plan, Noise Element. However, a noise study will be conducted as part of the TEIR in order to confirm that expectation.

Noise Ordinance – Section 36-404

Non-transportation noise generated by the project is not expected to exceed the standards of the County of San Diego Noise Ordinance (Section 36-404) off the Reservation. The adjacent properties are zoned for low density residential, and have one-hour average sound limit of 45 to 50 dBA. The project's operational noise levels are not anticipated to impact adjoining properties or exceed County Noise Standards because the project does not involve any noise producing equipment that would exceed applicable noise levels at the adjoining property line, and construction activities would be conducted in accordance with the County of San Diego's noise ordinance provisions. However, a noise study will be conducted as part of the TEIR in order to confirm that expectation.

Noise Ordinance – Section 36-410

The project will not generate construction noise that may exceed the standards of the County of San Diego Noise Ordinance (Section 36-410). Construction operations will occur only during permitted hours of operation pursuant to Section 36-410. Also, it is not anticipated that the project will operate construction equipment in excess of 75 dB for more than an 8 hours during a 24-hour period.

Cumulative noise effects would be less than significant because the project will be in compliance with General Plan Noise Element and Noise Ordinance as described above, and because of the distance, topography, and vegetation between the project site and off-Reservation residential uses. With regard to potential future traffic noise, the garage itself would generate no additional traffic beyond the traffic demand for the Casino, Outlet Center and Hotel discussed in the March 2012 FTEIR for Viejas Hotel. Therefore, there would be no additional noise impacts associated with vehicles parking in the garage.

b) Exposure of off-Reservation persons to excessive groundborne vibration or groundborne noise levels?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less than Significant Impact:

The project does not propose any major, new or expanded infrastructure such as mass transit, highways or major roadways or intensive extractive industry that could generate excessive groundborne vibration or groundborne noise levels in the surrounding area. Construction of the proposed parking structure could result in temporary off-site vibration, but the 1,500-foot distance to the nearest off-Reservation residence makes it unlikely that significant vibration would occur there. Whether that vibration level would be considered significant at the nearest existing off-Reservation homes will be reviewed as part of the TEIR noise study.

c) A substantial permanent increase in ambient noise levels in the off-Reservation vicinity of the project?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: Studies completed by the Organization of Industry Standards (ISO 362; ISO 1996 1-3; ISO 3095; and ISO 3740-3747) state an increase of 10 dB is perceived as twice as loud and is perceived as a significant increase in the ambient noise level. Typically, a 3 dB increase in ambient sound levels would be perceptible, and has been used as a significance criterion for noise impacts.

It is possible that noise during construction of the parking garage could result in temporary off-Reservation impacts at nearby off-Reservation homes, but project compliance with County construction noise regulations and procedures make it unlikely that such temporary impacts would be found significant. It is also considered unlikely

that garage operations after completion of construction would result in significant noise impacts, but these issues will be addressed in the TEIR noise study.

- d) A substantial temporary or periodic increase in ambient noise levels in the off-Reservation vicinity of the project?

- | | |
|---|--|
| <input type="checkbox"/> Potentially Significant Impact | <input checked="" type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input type="checkbox"/> No Impact |

Discussion/Explanation:

Less than Significant Impact: The project does not involve any uses that may create substantial temporary or periodic increases in ambient noise levels in the project vicinity including but not limited to extractive industry; outdoor commercial or industrial uses that involve crushing, cutting, drilling, grinding, or blasting of raw materials; truck depots, transfer stations or delivery areas; or outdoor sound systems. There would be no additional traffic at the Casino or Outlet Center as a result of parking garage completion.

Also, general construction noise is not expected to exceed the construction noise limits of the County of San Diego Noise Ordinance (Section 36-410), which are derived from State regulations to address human health and quality of life concerns. Construction operations will occur only during permitted hours of operation pursuant to Section 36-410. Also, it is not anticipated that the project will operate construction equipment in excess of 75 dB for more than an 8 hours during a 24-hour period. Therefore, the project would not result in a substantial temporary or periodic increase in existing ambient noise levels in the project vicinity. However, potential levels of construction noise at the nearest homes outside the Reservation will be analyzed in the noise technical report and discussed in the TEIR.

XII. POPULATION AND HOUSING -- Would the project:

- a) Induce substantial off-Reservation population growth?

- | | |
|---|---|
| <input type="checkbox"/> Potentially Significant Impact | <input type="checkbox"/> Less than Significant Impact |
| <input type="checkbox"/> Potentially Significant Unless Mitigation Incorporated | <input checked="" type="checkbox"/> No Impact |

Discussion/Explanation:

No Impact: The proposed project would not induce substantial population growth in the area because the project does not propose any physical or regulatory change that would remove a restriction to or encourage population growth including, but limited to the following: new or extended infrastructure or public facilities; new commercial or industrial facilities; large-scale residential development; accelerated conversion of homes to commercial or multi-family use; or regulatory changes including General Plan amendments, specific plan amendments, zone reclassifications, sewer or water

annexations; or LAFCO annexation actions. The project merely proposes to provide vehicle parking for patrons in a structure, instead of in existing at-grade parking lots.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere off-Reservation?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The proposed project would not displace any existing housing since the site is currently paved and is used for vehicle parking.

XIII. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered off-Reservation governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance service ratios, response times or other performance objectives for any of the public services:

Fire protection?
Police protection?
Schools?
Parks?
Other public facilities?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☒ Less than Significant Impact
☐ No Impact

Discussion/Explanation:

Less Than Significant Impact: The proposed parking garage project represents an incremental expansion of an existing Casino complex. Schools, parks and other public facilities are not required to support this expansion. Fire protection is provided by Viejas Tribal Government and through the Tribe's cooperative agreements with neighboring Fire Districts. Police protection is provided by the Viejas Security Department and by contract with the San Diego County Sheriff. It is not anticipated that this new garage would substantially change the level of service currently provided by the Sheriff.

XIV. RECREATION

- a) Would the project increase the use of existing off-Reservation neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project does not propose any residential use, included but not limited to a residential subdivision, mobile home park, or construction for a single-family residence that may increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

- a) Cause an increase in off-Reservation traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: As discussed under other topics, the proposed parking garage is not a trip generator or trip attractor. It only serves to move convenient vehicle parking for patrons visiting the Casino, who otherwise would park on existing surface parking lots into a structure. Therefore, there would be no additional traffic following completion of the garage, and no traffic impact.

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated off-Reservation roads or highways?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: Willows Road and I-8 in the vicinity of the Reservation are not congestion management roads. There would be no new traffic, and no traffic impact is anticipated.

- c) Substantially increase hazards due to an off-Reservation design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The proposed parking garage would not generate any additional traffic using off-Reservation roads. See Response XV a). Therefore, there would be no increase in roadway hazards.

- d) Result in inadequate emergency access for off-Reservation responders?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: See response XV a.) There would be no additional traffic as a result of the parking garage. Therefore, the proposed project would not result in inadequate emergency access. The project is not served by a dead-end road; therefore, the project has adequate emergency access for off-Reservation responders.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

- a) Exceed off-Reservation wastewater treatment requirements of the applicable Regional Water Quality Control Board?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: No wastewater would be generated or discharged at the parking garage. See Response VIII a).

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant off-Reservation environmental effects?

- ☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

- ☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: As described above in Item VIII a), no wastewater would be generated at the parking garage. No potable water supplies would be needed. Therefore, there would be no project-related construction of water treatment facilities required.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant off-Reservation environmental effects?

☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: The project does not include new or expanded storm water drainage facilities. The project does not involve any landform modification or require any source treatment or structural Best Management Practices for storm water during operations. (Applicable construction BMPs in conformance with the Clean Water Act will be identified prior to construction, and subsequently employed during project construction.) Therefore, the project would not require any construction of new or expanded facilities that could cause significant environmental effects.

- d) Result in a determination by an off-Reservation wastewater treatment provider (if applicable), which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

☐ Potentially Significant Impact
☐ Potentially Significant Unless Mitigation Incorporated

☐ Less than Significant Impact
☒ No Impact

Discussion/Explanation:

No Impact: No wastewater service to the parking garage would be required from the on-Reservation Viejas Water Reclamation Plant, or from any off-Reservation wastewater treatment provider. Therefore, there would be no project-related effect on any off-Reservation wastewater treatment provider.

XVII. CUMULATIVE EFFECTS:

- a) Would the project have impacts that are individually limited, but cumulatively considerable off-Reservation? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past, current, or probable future projects.

☐ Potentially Significant Impact

☐ Potentially Significant Unless
Mitigation Incorporated

☒ Less than Significant Impact

☐ No Impact

Discussion/Explanation:

Less than Significant Impact: The proposed parking garage would have no significant off-Reservation traffic, water quality, water supply, aesthetic, biological or cultural resource impacts. Potential air quality and noise impacts associated with construction will be addressed in the TEIR to see if they may be cumulatively significant.

